

FILED

JUL 29 2011

BY BARBARA DUNN, CIRCUIT CLERK D.C.

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

KRISTY WATSON

PLAINTIFF

V.

CASE NO.:

251-11-677 CIV

WAFFLE HOUSE, INC.

DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

COMES NOW the Plaintiff, Kristy Watson, by any through her counsel, Louis H. Watson, Jr., and files this action to recover damages for violations of her rights under Title VII of the Civil Rights Act of 1964, as amended, against the Defendant, Waffle House, Inc. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

PARTIES

1. The Plaintiff, Kristy Watson, is an adult female resident of Lincoln County, Mississippi, residing at 631 Lakewood Drive, Brookhaven, MS 39601.
2. The Defendant, Waffle House, Inc., is Plaintiff's former employer and is a Georgia corporation qualified to do business in Mississippi. Defendant may be served with process through its registered agent: Incorp Services, Inc., 405 Galleria Lane, Suite C, P. O. Box 2249, Oxford, MS 38655.

JURISDICTION AND VENUE

3. This Court has concurrent jurisdiction and venue is proper pursuant to 42 U.S.C. § 2000e-5(f)(3). A true and correct copy of Plaintiff's Charge of Discrimination is attached hereto as Exhibit "A," and a true and correct copy of the EEOC's Notice of Right to Sue is attached hereto



as Exhibit "B."

STATEMENT OF THE FACTS

4. Plaintiff began employment with Defendant in February 2010 as a Waitress.
5. On June 14, 2010, Plaintiff was forced to quit her employment due to a hostile work environment.
6. Plaintiff worked at the Brookhaven, Mississippi location.
7. Plaintiff was discriminated against because of her sex, female, in violation of Title VII of the Civil Rights Act of 1964.
8. Specifically, Dawn Gould, a co-worker, falsely accused Plaintiff of having an affair with Teddy Simpson (Gould's boyfriend) after several sexually explicit text messages were sent regarding Plaintiff.
9. Plaintiff complained to Dominique Eastern, Defendant's District Manager, and Countess Crenshaw, Defendant's Human Resources Manager about what happened.
10. Shortly after Plaintiff complained, Dawn Gould was banned from the property.
11. Despite the fact that Dawn Gould was banned from the premises, she would appear at Plaintiff's place of employment and harass Plaintiff.
12. Because Teddy Simpson took no corrective action, Plaintiff's working environment became so intolerable that no reasonable person would have continued working in that environment.
13. As a result, Plaintiff had no alternative but to leave her employment with Defendant.

CAUSES OF ACTION

COUNT ONE: VIOLATIONS OF TITLE VII

14. Plaintiff incorporates the above paragraphs 1 through 13 as though specifically set

forth herein and alleges as follows:

15. Plaintiff has been discriminated against in the terms and conditions of her employment on the basis of her sex.

16. Plaintiff has suffered adverse employment action as a result of the Defendant's sexually discriminatory treatment of Plaintiff.

17. Plaintiff has been harmed as a result of the Defendant's discrimination, and the Defendant is liable to the Plaintiff for the same.

COUNT TWO: RETALIATION

18. Plaintiff incorporates the above paragraphs 1 through 17 as though specifically set forth herein and alleges as follows:

19. After Plaintiff made her complaint regarding the sexual discrimination, the Defendant condoned and permitted unlawful retaliation against Plaintiff by allowing Teddy Simpson to continue to supervise Plaintiff and by failing to eliminate the hostile work environment.

20. Plaintiff has been harmed as a result of this retaliation, and the Defendant is liable to Plaintiff for the same.

21. The acts of the Defendant constitute a willful intentional violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.*, and other state and federal laws, and entitle Plaintiff to recovery of damages, both compensatory and punitive in nature.

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

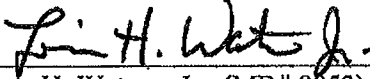
1. Reinstatement;
2. Back pay;

3. Compensatory damages;
4. Punitive damages;
5. Attorney's fees;
6. Costs and expenses; and
7. Any other relief to which she may be properly entitled.

THIS the 29th day of July, 2011.

Respectfully submitted,

KRISTY WATSON, PLAINTIFF

By: 

Louis H. Watson, Jr. (MB# 9053)

Nick Norris (MB#101574)

Attorneys for Plaintiff

OF COUNSEL:

LOUIS H. WATSON, JR., P.A.
628 North State Street
Jackson, Mississippi 39202
Telephone: (601) 968-0000
Facsimile: (601) 968-0010
Email: louis@louiswatson.com

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Kristy L. Watson		Home Phone (Incl. Area Code) (601) 835-2126	Date of Birth 02-10-1981
Street Address 6077 Watson Road, Wesson, MS 39191			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name WAFFLE HOUSE		No. Employees, Members 15-100	Phone No. (Include Area Code) (228) 860-6718
Street Address Post Office Box 503, Ponchatoula, LA 70454		City, State and ZIP Code JUL 02 2010 EEOC/JAO	
Name _____		No. Employees, Members _____	Phone No. (Include Area Code) _____
Street Address _____		City, State and ZIP Code _____	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 06-14-2010 06-14-2010 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I began employment with the above named employer in February 2010 as a Waitress. On June 14, 2010, I was forced to quit due to a hostile work environment. I worked at the location in Brookhaven, MS.</p> <p>I believe that I have been discriminated against because of my sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p>Dawn Gould, a co-worker, accused me of having an affair with Teddy Simpson (her boyfriend) after several sexually explicit text messages were sent regarding me. I complained to Dominique Easten, District Manager, and Countess Crenshaw, Human Resources Manager, about what happened. Shortly after this time, Dawn Gould was banned from the property. Though she was banned she would come to my place of employment and harass me. Because Teddy Simpson took no corrective actions prior to this time my working environment had become hard for me to work in and I chose to quit.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____ SUBSCRIBED AND SWORN TO BEFORE (month, day, year)	
Date Jul 02, 2010 _____ Charging Party Signature		EXHIBIT A ALL-STATE LEGAL	

EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Kristy L. Watson
 631 Lakewood Drive
 Brookhaven, MS 39601

From: Jackson Area Office
 100 West Capitol Street
 Suite 207
 Jackson, MS 39269

☐ On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

423-2010-01474

Jackie T. Blackwell,
 Investigator

(601) 948-8453

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Wilma J. Scott

4/29/11

(Date Mailed)

Enclosures(s)

Wilma Scott,
 Director

cc:

WAFFLE HOUSE
 Post Office Box 503
 Ponchatoula, LA 70454

David E. Gevertz, Attorney
 3414 Peachtree Rd, N. E., Suite 1600
 Atlanta, GA 30325

Louis H. Watson, Jr., P. A.
 Attorneys At Law
 628 North State Street
 Jackson, MS 39202



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IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

KRISTY WATSON

PLAINTIFF

VS.

CASE NO.:

251-11-677 CIV

WAFFLE HOUSE, INC.

DEFENDANT

SUMMONS

TO: Waffle House, Inc.
Registered Agent: Incomp Services, Inc.
405 Galleria Lane, Suite C
P.O. Box 2249
Oxford, MS 38655

NOTICE TO DEFENDANT

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Louis H. Watson, Jr., Louis H. Watson, Jr., P.A., 628 North State Street, Jackson, Mississippi 39202-3303, the attorney for the Plaintiff. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED under my hand and the seal of said Court, this the 29th day of July, 2011.

Honorable Barbara Duns
Circuit Clerk of Hinds County, MS

By:

Deputy Clerk

RETURN OF PROCESS SERVER

STATE OF MISSISSIPPI

COUNTY OF _____

() I personally delivered copies of the summons on the ____ day of _____, 2011,
to: _____

() After exercising reasonable diligence I was unable to deliver copies of the summons to
_____, within _____ County, _____. I
served the summons on the ____ day of _____, 20____, at the usual
place of abode of said _____ by leaving a true copy of the summons
with _____, who is the _____ (here
insert wife, husband, son, daughter or other person as the case may be), a member of the family
of the person served, above the age of sixteen years and, unwilling to receive the summons, and
thereafter on the ____ day of _____, 20____, I mailed (by first class mail,
postage prepaid) copies to the person served at his or her usual place of abode where the copies
were left.

() I was unable to serve the summons.

This the ____ day of _____, 2011.

PROCESS SERVER

RETURN TO:

Louis H. Watson, Jr.
LOUIS H. WATSON, JR., P.A.
628 North State Street
Jackson, MS 39202-3303